

**CITY OF BROKEN ARROW
PLANNING COMMISSION MEETING
MINUTES
April 28, 2005**

The Planning Commission Agenda for this meeting was posted on April 22, 2005, at 3:00 p.m. on the City Hall Bulletin Board, 220 S. First Street.

1. The Broken Arrow Planning Commission met on Thursday, April 28 2005, at 5:00 p.m.

2. Present: Ricky Jones, Chairperson
Renate Caldwell, Vice Chairperson
Robert Goranson, Commission Member
Johnnie Parks, Commission Member
Ron Carter, Commission Member

Absent: None

Staff Present: Brent Murphy, Asst City Planner
James T. McHendry, Staff Planner
Joyce Snider, Admin Asst
April Parnell, Asst City Attorney
Jeff Westfall, Engineering Dept
Roger Hughes, Engineering Dept
Tom Hendrix, City Engineer

3. The Commission considered the minutes of a regular Planning Commission meeting held April 14, 2005. **Motion** by Ron Carter to approve the minutes of the Planning Commission meeting held April 14, 2005 as presented. The motion was seconded by Renate Caldwell.

Yes: Carter, Goranson, Caldwell, Jones

No: None

Abstain: Parks

Motion Approved.

4. **CONSENT AGENDA:**

The Commission considered the Consent Agenda. Brent Murphy reviewed each item on the Consent Agenda.

Motion by Johnnie Parks to approve the Consent Agenda as recommended by Staff, with the exception of Item No. 4B, 4C, 4D and 4F. The motion was seconded by Renate Caldwell.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion Approved.

4A. PT05-100, DN05-100, Arrow Acres III, BAZ-1213, 1 lot, 0.56 acres, R-3, east of Elm Place, one-quarter mile south of Washington Street, Howard Consulting (Engineer). The applicant was present. This item was approved as recommended by Staff.

- 4B. PT05-108, DN05-134, Fairway Crossing Business Park, PUD 159, 1 lot, 5 acres, one-eighth mile west of 23rd Street (County Line), north side of Albany Street (61st Street), Khoury Engineering, Inc. (Engineer)(related to Item #8). The applicant was present. This item was removed from the Consent Agenda to be considered after Item No. 8.
- 4C. ST05-123, DN05-136, Dry Clean Super Center site plan, 0.54 acres, (PUD 95C/BAZ 1670) north side of New Orleans Street, east of Aspen Avenue, Cook & Associates Engineering, Inc. (Applicant) (related to Item #6). The applicant was present. This item was removed from the Consent Agenda to be considered after Item No. 6.
- 4D. ST05-126, DN05-142, Tulsat site and landscape plan, 10.06 acres, south side of Houston, one-third mile east of 9th Street (Lynn Lane), B. R. Hutson, Inc. (Applicant). The applicant was present. This item was removed from the Consent Agenda.
- 4E. ST05-127, DN04-163, Evergreen Baptist Church site and landscape plan, (PT04-117) 39 acres, north of Florence Street (111th Street), one-quarter mile east of Mingo Road, Michael Gabbert (Applicant). The applicant was present. This item was approved as recommended by Staff.
- 4F. ST05-128, DN04-151, Green Country Cycle City landscape plan, (CA04-104), 2.17 acres, C-4, 1200 Southwest Expressway Drive, Ron Bray (Applicant/Owner). The applicant was not present. This item was removed from the Consent Agenda.
- 4G. PT03-110, Arlington Court landscape plan, (PUD 134A, BAZ 1579), 8.81 acres, east of Olive Avenue, one-third mile north of Kenosha Street, David Markle (Applicant/Owner). The applicant was present. This item was approved as recommended by Staff.
- 4H. PT05-104, Duplexes at Oak Creek landscape plan, 1 lot, 0.24 acre, R-4 (BAZ 1649), northwest corner of East Louisville Street and State Highway 51, Howard Consulting (Engineer). The applicant was not present. This item was approved as recommended by Staff.
- 4I. BAL 880, Whitley lot split, 4.62 acres, R-1, 6703 South 136th East Avenue, one-third mile north of Kenosha Street, one-half mile east of Olive Avenue (Horseshoe Acres), Mark Whitley (Applicant). The applicant was not present. This item was approved as recommended by Staff.

5. **ITEMS REMOVED FROM THE CONSENT AGENDA**

- 4D. The Commission considered ST05-126, DN05-142, Tulsat site and landscape plan, 10.06 acres, south side of Houston, one-third mile east of 9th Street (Lynn Lane), B. R. Hutson, Inc. (Applicant). Brent Murphy said this site plan is related to an addition to an existing warehouse on property zoned I-1. He said the applicant wishes to discuss recommendation No. 5 related to a sidewalk along Houston Street, which is required by the Subdivision Code. He said Item No. 7 the applicant is willing to show the parking required by the Zoning Ordinance but all of it is not needed at this time and they wish to defer a portion of it and show it as future parking. He said Item No. 11 relates to the dumpster which needs to be screened if it is located near Houston, but if it is located behind the building where it cannot be seen from Houston Street, Staff recommends that screening not be required.

Dana Hutson, 1909 North Yellowwood Avenue, Broken Arrow, the applicant, said the properties on either side of the site have no sidewalk, so a sidewalk on this property would go nowhere.

4D. continued

Mr. Hutson said the owner would like relief from this requirement. He said the parking requirement is 100 spaces and they only have 50 employees. He said the owner is willing to put in more parking spaces when they are needed. Discussion followed and Brent Murphy suggested those two items be deferred or escrowed. Mr. Hutson agreed. Brent Murphy suggested that the sidewalk requirement be deferred until a sidewalk is built to the immediate east or west of this property.

Motion by Johnnie Parks to approve ST05-126 as recommended by Staff, except that the sidewalk requirement is deferred until a sidewalk is built to the immediate east or west of this property, parking will be shown on the site plan in accordance with the Zoning Ordinance, but parking spaces identified as “future” can be constructed at a later date and if the dumpster is located south of the building, screening will not be required around the dumpster. The motion was seconded by Ron Carter.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion Approved.

- 4F. The Commission considered ST05-128, DN04-151, Green Country Cycle City landscape plan, (CA04-104), 2.17 acres, C-4, 1200 Southwest Expressway Drive, Ron Bray (Applicant/Owner). Ron Carter asked if the driveway will remain or be removed. Brent Murphy said the City Council allowed the driveway to be retained until the renovation is complete for a maximum of two years.

Motion by Ron Carter to approve ST05-128 as recommended by Staff. The motion was seconded by Renate Caldwell.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion Approved.

6. The Commission considered PUD 95C, a minor amendment, and BAZ 1670, DN05-136, , C-4 to C-5, Dry Clean Super Center, 0.54 acres, (PUD 95C/BAZ 1670) north side of New Orleans Street, just east of Aspen Avenue, Cook & Associates Engineering, Inc. (Applicant). Brent Murphy presented the background, saying PUD 95C is a request to allow a dry cleaning service with pickup service on this property. Mr. Murphy outlined the conditions of this use and said Staff recommends approval of PUD 95C with certain modifications to the design statement and submittal of the revised design statement by May 5, 2005, approval of BAZ 1670 and waiver of platting.

Jason Potter, Cook & Associates Engineering, Inc., 106 South Ash, Broken Arrow, said he had nothing to add. There were no protestants.

Motion by Johnnie Parks to approve PUD 95C and recommend approval of BAZ 1670 and waiver of platting. The motion was seconded by Bob Goranson.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion approved

Ricky Jones said BAZ 1670 will be considered by the City Council in their meeting of May 16, 2005, at 6:30 p.m.

- 4C. The Commission considered ST05-123, DN05-136, Dry Clean Super Center site plan, 0.54 acres, (PUD 95C/BAZ 1670) north side of New Orleans Street, east of Aspen Avenue, Cook & Associates Engineering, Inc. (Applicant) (related to Item #6). Brent Murphy said the applicant is in agreement with the Staff recommendations.

Motion by Ron Carter to approve ST05-123 as recommended by Staff. The motion was seconded by Johnnie Parks.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion approved

Ricky Jones indicated he had a possible conflict of interest on the next item and excused himself.

7. The Commission considered PUD 106B, Minor Amendment, Kenosha Commercial Center, (sign request) southwest corner of Kenosha Street and Butternut, one-eighth to one-quarter mile east of Garnett Road, Tanner Consulting, LLC (Applicant). Brent Murphy presented the background, saying the applicant wishes to have the sign requirements, approved prior to the major revision of the Broken Arrow Sign Ordinance, amended to reflect the present Sign Ordinance.

Ted Osgood, 5727 South Lewis, Suite 550, Tulsa, said he was in agreement with the Staff recommendations. Brent Murphy outlined the size of the three proposed signs and said they meet the requirements of the Zoning Ordinance. There were no protestants.

Motion by Bob Goranson to approve PUD 106B as recommended by Staff. The motion was seconded by Johnnie Parks.

Yes: Carter, Parks, Goranson, Caldwell

No: None

Motion approved.

Ricky Jones returned to his seat.

8. The Commission considered PUD 159, Fairway Crossing Business Park (BAZ 1643), one-eighth mile west of 23rd Street (County Line), north side of Albany Street (61st Street), Khoury Engineering (Applicant). Brent Murphy presented the background, saying this property is zoned A-1 and the City Council approved C-2 zoning subject to the property being platted, which platting is in process. He said the applicant proposes to use this property for offices on the north end, day care on the northwest corner and retail development on the south end. He said two points of access to Albany Street have been requested. However, Planning, Engineering, Street, Traffic Safety office, have all recommended one point of access and the applicant has agreed to that and will work with Staff on the best location for the point of access. He said Staff would change recommended condition No. 6 in the Staff report to read, "access from Albany Street to and from this site shall be limited to one point; the location of this access point to be determined prior to the final plat being submitted." He said Staff recommends approval of PUD 159 subject to the property being platted and modifications being made to the design statement.

Malek Elkhoury, Khoury Engineering, 1435 East 41st Street, Tulsa, the applicant, said he and the developer are in agreement with the Staff recommendations.

Ron Carter asked if the developer owns the property to the east or west of this site. Mr. Elkhoury said he does not.

8. continued

Bob Goranson asked how large the day care center will be and Mr. Elkhoury said he did not know.

There were no protestants.

Ron Carter asked if there were any plans to have a street come off County Line Road. Discussion followed with participation by Mr. Elkhoury regarding future access points to the east and the west and the need to avoid multiple points of access as much as possible. Ricky Jones talked about calculation of the number of trips each day that would be generated by the day care center and the shopping center and Mr. Elkhoury said he could provide that information. Ricky Jones talked about having a representative of the Technical Advisory Committee present when one point of access is recommended and Brent Murphy explained that the Traffic Safety Officer commented during the TAC meeting that it is much better to have access points aligned with other major access points because of the turning conflicts that will occur with misaligned access points.

Motion by Ron Carter to recommend approval of PUD 159 as recommended by Staff with one access point which is to be determined prior to the final plat being submitted. The motion was seconded by Renate Caldwell.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion approved

Ricky Jones said this item will be considered by the City Council in their meeting of May 16, 2005, at 6:30 p.m.

- 4B. The Commission considered PT05-108, DN05-134, Fairway Crossing Business Park, PUD 159, 1 lot, 5 acres, one-eighth mile west of 23rd Street (County Line), north side of Albany Street (61st Street), Khoury Engineering, Inc. (Engineer) (related to Item #8).

Motion by Ron Carter to approve PT05-108, Fairway Crossing Business Park preliminary plat with one access point which is to be determined prior to the final plat being submitted.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion approved

9. The Commission considered PUD 160, Broken Arrow Plaza Shopping Center, 2.56 acres, C-2, north and west of the northwest corner of Kenosha Street and Elm Place, D. Leon Ragsdale, (Applicant). Brent Murphy presented the background, saying this property has not been platted and contains two existing buildings, one is a thrift store and the other is a drive-through restaurant and the applicant wishes to build a 6,000 square foot retail building. He said this site has 390 feet of frontage along Elm Place and 104 feet of frontage along Kenosha Street and the existing right-of-way on Elm Place is 50 to 60 feet and from the section line to the west adjacent to this property, on Kenosha Street is 50 feet of what has been dedicated presently. Within 500 feet of an arterial street intersection right-of-way is required to be at least 70 feet in width. He said the applicant proposes to develop this two and one-half acres in accordance with C-2 regulations with the following exceptions: Building line setback along the west property line reduced to 0 feet for the existing Thrift Store, 14 feet for the existing restaurant, and 5 feet for the proposed building.

9. continued

Mr. Murphy said the applicant has requested that the landscaped edge be reduced to 0 feet along the north 175 feet of the property. The applicant is willing to dedicate 20 feet of right-of-way in this area. With the right-of-way dedication, the property line will be located immediately adjacent to the existing parking lot. Applicant has requested with PUD 160 to be able to install trees in the right-of-way area on the north 175 feet.

Mr. Murphy said the property associated with PUD 160 presently has cross access to the property to the southeast. Cross access to the property to the west has been blocked. None of the three properties on the northwest corner of Elm Place and Kenosha Street has been platted. There are no mutual access agreements among these three property owners. The concept plan submitted by the applicant shows access points to the corner parcel blocked off. However, Staff recommends that the present access points continue.

Leon Ragsdale, Architect, 1615 North 24th West Avenue, Tulsa, representing the owners, said they would prefer not to, but they could agree with the ten-foot landscaping strip. He said their concern is the drive, which is entirely on the property owned by Broken Arrow Plaza Limited and for which there is no mutual access agreement. He said the use of the drive by trucks and dumpsters being located there has caused wear and the other property owners in the square do not maintain the driveway. He said the ten-foot landscaped edge in the parking areas would cause the loss of four parking spaces but they can gain five parking spaces in another area.

James Gannaway, 1500 Woodland Drive, Okmulgee, the property owner, said at one time they had a cross parking agreement with Wal Mart and after Wal Mart closed a wall was erected between the two properties. He complained about being required to share the use of his property for the public to access other stores and said he would like to block off that area and landscape it. He said he is dedicating about 270 x 10 feet for future expansion of the street.

Bob Goranson asked if the City could require Mr. Gannaway to share access through his property. Ricky Jones pointed out that the dedication of the 270 x 10 feet to the City is a requirement of the Subdivision Code. Brent Murphy said that was correct and on any rezoning is approved subject to the property being platted. Staff has recommended that the platting be waived if the right-of-way and utility easements are dedicated to the City and the applicant has agreed to that. He said Staff is looking at the issue as a public safety issue and if a member of the public must exit one piece of property onto an arterial street in order to enter an adjacent piece of property, in effect making a U-turn, Staff doesn't think that is safe and would rather have that occur on private property. Discussion followed.

April Parnell said the City could not require Mr. Gannaway to provide access through his property but they could strongly suggest or recommend it. Brent Murphy asked if it would be legal to require the property owner to retain the driveway open, since this is a PUD. April Parnell said she thought it would. Discussion followed. Mr. Gannaway said the City is trying to require the property owner to allow others to cross his property. Further discussion followed.

Bill Wilson, 11320 East 32nd Street, Tulsa, the leasing agent for Mr. Gannaway, said there are two restaurants on the corner for which there is inadequate parking and that is perhaps the reason why they want to use Mr. Gannaway's property.

Jean Coons, 709 West Lansing Street, Broken Arrow, said she lives north of Mr. Gannaway's building and traffic is terrible and outlined how difficult it is to enter and exit that corner. She said it is nice to have the two extra outlets. Discussion followed.

9. continued

Ron Carter asked if when the Elm Place expansion is completed, there will be five lanes. Tom Hendrix, Broken Arrow City Engineer, said the medians will be painted only and close to the intersection there will be a raised median. Discussion followed regarding the future configuration of Elm Place with participation by Mr. Gannaway.

The status of the two restaurants on the corner as nonconforming uses was discussed and it was verified that this project would have no effect on that status.

Motion by Ron Carter to recommend approval of PUD 160 as recommended by Staff, except for deletion of Item No. 2 and changing the location of four parking spaces to accommodate the required landscaping. The motion was seconded by Johnnie Parks.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion approved

Ricky Jones said this item will be considered by the City Council in their meeting of May 16, 2005, at 6:30 p.m.

10. The Commission considered BAZ 1671, I-2 to I-S, 0.92 acres, southeast corner of Kenosha Street and Sycamore Street, (Graham Franklin Industrial Park), Rhema Bible Church (Applicant). Brent Murphy presented the background, saying there is a small building on this property and the proposed use is the sale of swimming pools, outdoor furniture, etc and this use is not allowed in the I-2 Zoning District. He said this lot has been platted as Lot 1, Block 5 of the Graham Franklin Industrial Park and I-S is in conformance with the Comprehensive Plan. He said Staff recommends that platting be waived (the Staff report erroneously states that platting is a recommended condition of approval) since the lot has been platted.

The applicant was not present. There were no protestants.

Richard Hayes, 77 Moxin Place, Sapulpa, asked where he could put his fence and was referred to Staff.

Motion by Johnnie Parks to recommend approval of BAZ 1671 as recommended by Staff. The motion was seconded by Renate Caldwell.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion approved.

Ricky Jones said this item will be considered by the City Council in their meeting of May 16, 2005, at 6:30 p.m.

11. **DISCUSSION**

None.

12. **REMARKS, INQUIRIES AND COMMENTS BY PLANNING COMMISSION AND STAFF - (NO ACTION)**

None.

13. **Motion** by Ron Carter at 6:35 p.m. to adjourn. The motion was seconded by Renate Caldwell.
Yes: Carter, Parks, Goranson, Caldwell, Jones
No: None
Motion Approved.